

1 UNITED STATES BANKRUPTCY COURT

2 DISTRICT OF DELAWARE

3 Case No. 01-01139

4 - - - - - x

5 In the Matter of:

6

7 W.R. GRACE & CO., et al.,

8

9 Debtors.

10 - - - - - x

11

12 United States Bankruptcy Court

13 Robert N.C. Nix Sr. Federal Courthouse

14 900 Market Street

15 Philadelphia, PA 19107

16

17 February 1, 2021

18 11:47 AM

19

20

21 B E F O R E :

22 HON ASHELY M. CHAN

23 U.S. BANKRUPTCY JUDGE

24

25 ECRO - UNKNOWN

1 HEARING re Motion for Summary Judgement

2

3 HEARING re Motion for leave to file additional pleadings

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 Transcribed by: Sonya Ledanski Hyde

1 A P P E A R A N C E S :

2

3 PACHULSKI STANG ZIEHL & JONES LLP

4 Attorney for W.R. Grace & Co.

5 919 North Market Street, 17th Floor

6 Wilmington, DE 1980

7

8 BY: JAMES E. O'NEILL, ESQ. (TELEPHONICALLY)

9

10 THE LAW OFFICES OF ROGER HIGGINS LLC

11 Attorney for W.R. Grace & Co.

12 516 N Ogden Avenue, Suite 136

13 Chicago, IL 60642

14

15 BY: ROGER J. HIGGINS, ESQ. (TELEPHONICALLY)

16

17 ALSO APPEARING TELEPHONICALLY:

18 VIKTORIYA SHPIGELMAN

19 GARY S. SMOLKER, pro se

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

CLERK: Good afternoon. This is Judge Chan's 12 o'clock list for February 1st. The matter before her is W.R. Grace & Company. Motion for summary judgment and motion for leave to file additional pleadings. Could parties and counsel make their appearance, please?

MR. O'NEILL: Good afternoon. This is James O'Neill, Pachulski Stang Ziehl & Jones, on behalf of W.R. Grace. And appearing with me this morning is my co-counsel in this matter, Roger Higgins. Also on the line for Grace is our client, Victoria Spiegelman, the senior corporate counsel of Grace. And we also have our Declarant, Rosemarie Lewis on the telephone today. Thank you.

MR. SMOLKER: I am here, too. My name is Gary Smolker. I am the Claimant.

THE COURT: Okay. All right, well, can everyone hear me okay?

MR. SMOLKER: I can hear you okay.

THE COURT: Okay, good. So, I guess I would just like to start this hearing with a bit of an unusual announcement. One of the immediate members in my family had to be scheduled for an emergency procedure, so I'm actually at the hospital right now. And because of that, I'd like to just try to make this hearing as efficient as possible.

I want to assure all of you that I've read all of

1 the pleadings that everyone has filed. And I guess in order
2 to make this go as quickly as possible so we don't get
3 interrupted, what I'd like to do is I'd like to first ask
4 Mr. Smolker if there was anything that you want to add to
5 your argument in connection with your motion for additional
6 time to respond to summary judgment as well as your request
7 for additional discovery.

8 If there's anything that you have not already
9 included in any of your pleadings, I'd like to hear that
10 now. But if you've already made the statement -- you know,
11 and I've read all about the various health issues you've
12 had, and the scams, and everything. But is there anything
13 that you have not raised in any of your pleadings that you
14 would like me to consider?

15 MR. SMOLKER: Yes, thank you very much. I have
16 two statements. One, I don't understand what you are
17 referring to when you say pleadings. I have for various
18 status conferences, and in connection with asking for status
19 conferences I submitted various papers, and in those various
20 papers I stated the law regarding statute of limitations,
21 unfair competition and other matters that I didn't have time
22 to include in my opposition or in my request for additional
23 time. And in my request for additional time, I wasn't given
24 enough time to make my motion for additional time, and I was
25 deprived of the opportunity of responding to what Grace

1 said. And if things had gone according to what I thought
2 was the way they were supposed to go, I would've had 21 days
3 to fill in the blanks.

4 And I sent, on January 31st, a memo that contains
5 all the relevant law concerning statute of limitations. And
6 the law is very clear that what Grace said about the statute
7 of limitations is completely wrong, and I'll get into that
8 in a second. And, also, I would like to say that granting
9 Grace's motion would nullify an important policy adopted for
10 the benefit of the policy, which is safety, and that I put
11 in my declaration with all the pages that I filed that I
12 didn't have time to tie together for you that Grace failed
13 to register with the California Department of Pesticide
14 Regulation. I gave you the Food & Ag code. It failed to
15 register with the Environmental Protection Agency, and I
16 gave you the Federal Insecticide, Fungicide, and Rodenticide
17 Act, 7 U.S.C., Section 136 et seq.

18 And I also told you that Judge Janus placed a
19 limit on the pleadings, which made it impossible for me to
20 say everything I wanted to. And in the declaration I gave
21 you, most importantly, but I didn't have time to discuss it,
22 Exhibit 8. Exhibit 8 is an order signed by the Court of
23 Appeals on January 3, 2020 that says in part: "The only
24 issue is the procedural issue arising from the dismissal.
25 The merits of the case are not at issue at this time and the

1 Court will not entertain argument pertaining to those
2 issues."

3 So, in other words, the dismissal was not a
4 decision on the merits. In fact, it was not allowed to be
5 discussed on the merits. And even if the judge hadn't said
6 that, which all three justices did say that, when a case is
7 technically dismissed, it's not res judicata. It's not a
8 dismissal on the merits.

9 So, when I spoke to Mr. Higgins and Mr. O'Neill at
10 our meet and confer, they said that their entire motion was
11 based on that it had been dismissed, which is an invalid
12 reason because that's not a decision on the merits. And it
13 was expressly said by the Court of Appeals that they
14 wouldn't entertain any comment on the merits. And that it
15 was because the statute of limitations for personal injury
16 had run, which is completely wrong.

17 And in my memo I give you all the code sections on
18 statute of limitations. Statute of limitations for personal
19 injury or any case starts or commences when the complaint
20 naming the people are filed. And that's the date it is.
21 They say because I amended my complaint, I got outside the
22 statute of limitations for personal injury. And the law
23 also says that when -- and I have this in my January 31st
24 memo -- that for statute of limitations purposes -- excuse
25 me, I needed some water. My throat is dry.

1 For statute of limitations purposes, the time
2 relates back to when the original complaint was filed if it
3 concerns the same parties and the same general facts, which
4 is exactly what this was. And I also point out that my
5 claim is for personal injury to my body, which the statute
6 of limitations didn't run. It's for injury to my personal
7 property, which has a different statute of limitations --
8 and as for injury to my real property, which has yet another
9 statute of limitations.

10 And it's for a product that's installed in the
11 building that causes damage to property, which has another
12 statute of limitations. And that my claim is an unfair
13 competition law action, which has yet another statute of
14 limitations, which is four years, and that that four years
15 is the one that is applied regardless. And I give you the
16 code section and the case that says that.

17 So, in short, what Grace has done with first
18 ending it at 750 pages, which I had to look at and I thought
19 I would find things that were wrong with it and I did --
20 with Ms. Lewis' statement, for example, that the Court of
21 Appeals said in a sentence somewhere that Mr. Massa said
22 there's no problem in breathing it. That's pure hearsay and
23 it's just submitted for the reason of, you know, getting
24 prejudice. It's not admissible evidence. And, actually,
25 there was a summary judgment motion which Grace brought and

1 lost, and I gave you the rulings of the trial judge on
2 Grace's summary judgment motion. And the trial judge, Mr.
3 Fruin, found that Grace did not register its product with
4 the State of California Department of Pesticide Regulations
5 or with the federal government EPA and, therefore, it was
6 illegal.

7 Making things even worse is, in my mind, is, Grace
8 originally treated this as an -- and excuse me if I have the
9 terminology in bankruptcy wrong -- treated this is as a
10 substantial claim, meaning that it accepted that it had
11 liability. The only question was how much. And then later,
12 it never asked the Court for permission to amend its
13 objection. But without getting leave to amend its
14 objection, it filed its motion for summary judgment which
15 contains an entirely new objection. The entirely new
16 objection which wasn't in the original objection is the
17 statute of limitations and the effect of the dismissal of
18 the action.

19 So we have them proceeding without following the
20 right procedure. If Grace had asked for permission to amend
21 its objection instead of just doing it, we could have nipped
22 the whole thing in the bud. Instead, we ended up having
23 Grace file over a thousand pages and me in my naivete,
24 reading it line by line and finding all the faults with
25 everything that was being done and getting lost in the

1 details so that's -- I'm sorry I didn't have enough time to
2 put all the exhibits together and discuss them fully with
3 you. And I've explained it was just impossible to absorb
4 the quantity of information presented and to extract from it
5 the story.

6 But the bottom line is, there's absolutely no
7 validity legally or factually to their motion for summary
8 judgment and it's only because of lack of time that I wasn't
9 able to tell that story better. But in the declaration that
10 I did file which you did read I did go through it, and I did
11 say that Grace didn't -- it failed to register with the
12 California authority, failed to register with the federal
13 authorities, and I also gave you the -- Exhibit 8 which is
14 the order saying this is not about the merits of the case.
15 And also I gave you the food and ag code section so you can
16 see that this is illegal.

17 THE COURT: Okay. All right. Well, thank you for
18 all of that Mr. Smolker. I guess what I'd like to first do
19 is turn to your request that was made on January 15th. And
20 just to clarify, when I said pleadings at the outset, all I
21 meant was, I have reviewed every filing that you've made in
22 connection with your claim and objection to summary judgment
23 and various related requests and I've also read, obviously,
24 W.R. Grace's. So when I used the word pleading before I
25 just meant, you know, whatever you filed on the court

1 docket. I have read all of that stuff. And just to
2 streamline this, I'd like to first address your request for
3 additional time to either gather more exhibits, to get more
4 information, to submit a more thorough objection to the
5 summary judgment motion by Grace, as well as what appears to
6 be a request under Rule 56 for an opportunity for you to
7 sort of adjourn the summary judgment hearing in order to
8 allow you to take additional discovery on Grace or whoever
9 else you think might be appropriate. So that's what I'm
10 going to address first, and then I'm going to -- why don't
11 we just start there.

12 I've read -- I've heard everything you just said
13 and I've read all of your papers, like I said, and
14 unfortunately, I'm going to be forced to deny that request
15 for two reason. One, I don't believe that there's any
16 excusable neglect that would justify additional time for you
17 to file any more exhibits, affidavits, pleadings, or
18 anything in this case, because Grace did file their motion
19 for summary judgment on August 3rd, 2020, with an objection
20 deadline of August 17th, and you did file some kind of a
21 late partial response to that on August 18th and requested
22 that I give you additional time until November 5th.

23 When I held a hearing on September 17th, we agreed
24 that you would have until December 16th, 2020, to file your
25 supplemental summary judgment response. On the eve of that,

1 as you'll recall, you asked for additional time and although
2 I was reluctant, I did give that to you under the condition
3 that no more extensions would be granted. When you filed
4 your further supplemental summary judgment response, it
5 appeared that you then made another request for even more
6 time to file further information, and I had a hearing on
7 January 8th where I basically said that at that point, I
8 wasn't prepared to give you any more time. You said that
9 you wanted to file something and perhaps have it heard
10 before the summary judgment hearing today.

11 You've now filed some documents. Given the great
12 amount of time that you have had to respond to the summary
13 judgment motion filed by W.R. Grace, I don't think that
14 there's any need at this point for you to file anything
15 else. And I think you're perhaps, you know, focused on
16 maybe facts that you think might help your case or your
17 opposition to summary judgment, when I think at this point,
18 all we really have is summary judgment on the -- your proof
19 of claim -- are legal arguments. So for all those reasons,
20 I'm not going to find that there is excusable neglect here
21 to justify any more filings. I think I've got a very good
22 picture of what your arguments are and what the facts are in
23 this case.

24 Furthermore with regard to any requests under
25 56(d) to take additional discovery and to delay the summary

1 judgment hearing, in order to do that, you needed to
2 identify what additional discovery information or facts are
3 needed and how if that information was disclosed those facts
4 would preclude summary judgment by creating a genuine issue
5 of material facts and why you were unable to obtain
6 discovery that you felt necessary to respond to that.

7 So for all those reasons, I will not be adjourning
8 the summary judgment hearing. I don't think there's any
9 need to take additional discovery at this point. And I
10 would like to turn now to the merits of the summary judgment
11 hearing which I heard you talk about and I'm actually in
12 agreement with you about some matters of that. But, as I
13 said before, I believe that this is purely a legal argument.
14 So, I guess, Mr. Higgins, will you be responding on behalf
15 of W.R. Grace today?

16 MR. HIGGINS: Yes, Your Honor, I am.

17 THE COURT: Okay. Okay.

18 MR. SMOLKER: Your Honor, may I respond to
19 something you just said?

20 THE COURT: If it's quick, you may. Is it going
21 to be quick?

22 MR. SMOLKER: Yes. I did not file my original
23 objection late. I called up the court helpline and asked
24 them how things worked, and the way it works is you do not
25 file things at the window. You put them in a box, a

1 collection box, and then they -- court personnel in the
2 clerk's office collects it and then they file it. My
3 document as my proof of service says and as I said, was
4 overnight delivered on time so it was not late.

5 The second thing I'd like to say is that the
6 immense amount time I had was taken up by the totally
7 irrelevant things I was making of a list of to talk about
8 and I just ran out of time and the tremendous number of
9 things I had to put together to send to you in order to show
10 you the entire story. And I'm glad you agree with some of
11 the points because I think it's clear law that the decision
12 of the Court of Appeals is not on the merits and that they
13 have the statute of limitations wrong by the law. And I'm
14 just sorry because I'm a bit of a perfectionist, and I just
15 felt really bad about not having time to fill the blanks,
16 and I did say in my --

17 THE COURT: Don't feel -- yeah, yeah. You
18 shouldn't feel bad at all. I have like the best law clerk
19 in the history of mankind and she has done all of the
20 research on the legal arguments on motions for summary
21 judgment, so now I'd like to turn to Mr. Higgins.

22 So, Mr. Higgins, Grace makes two arguments in
23 connection with its summary judgment motion. The first
24 argument is res judicata and the second one is the statute
25 of limitations. After -- we looked at the case law that

1 you've cited. I think we're inclined to agree with Mr.
2 Smolker that it doesn't appear that there was any decision
3 by the California State Court on the merits of Mr. Smolker's
4 claim against W.R. Grace. It was simply that, you know, he
5 failed to take to trial the various claims that he had
6 against Grace. So while he's barred by res judicata from
7 bringing those claims against Grace in state court, it was
8 not clear to us that he'd be barred from bringing those
9 claims against Grace in a different court.

10 But before I have you respond to that, I think we
11 found your other argument to be more persuasive depending on
12 the applicable statute of limitations. So, Mr. Higgins,
13 when did you think that the statute of limitations started
14 to run? You know, we were thinking that it could have been
15 as early as October 11th, 1996, when Mr. Smolker's
16 condominium area was first treated by termite control or
17 perhaps, you know, in October 10th of '97, when he filed his
18 cross complaint against Grace or at the least latest, it
19 seemed to us it would be November 4th, 1997, when he filed
20 his first amended complaint counter claim against Grace in
21 connection with various claims he had.

22 So when do you think the statute of limitations
23 began to run for Mr. Smolker, Mr. Higgins?

24 MR. HIGGINS: Thank you, Your Honor. I can
25 address the res judicata issue and the dismissal of this

1 case, but -- separately -- but let's focus on the statute of
2 limitations issue you requested.

3 THE COURT: Yeah.

4 MR. HIGGINS: Grace agrees that October 11th and
5 12th is the likely commencement of the running of the
6 statute of limitations because at that point under relevant
7 California law, all of the elements were either known or
8 suspected -- known to Mr. Smolker or suspected by Mr.
9 Smolker, i.e., the extermination had happened, clearly
10 everybody knew about that. There's certainly statements in
11 Mr. Smolker's various complaints the there was discussion of
12 potential dangers in the -- in his fifth amended complaint
13 and in his first amended complaint -- looking to paragraph
14 16 of his 16th amended complaint, in particular.

15 Within a short period after October 11th and 12th,
16 Mr. Smolker began complaining of being poisoned by the
17 extermination to his neighbors, the (indiscernible), and
18 others. We can find that in the fifth amended complaint,
19 paragraph 22. After October --

20 THE COURT: So Mr. Higgins, are you saying -- when
21 you say October 11th -- just to be clear -- you're saying
22 that in those amended complaints he was alleging that he was
23 complaining about these health issues back in October of
24 1996. Is that what you're saying?

25 MR. HIGGINS: Yes, Your Honor. I think that --

1 THE COURT: Okay.

2 MR. HIGGINS: Here's what I would say, is, we
3 believe that October 11th -- or 11th and 12th, excuse me --
4 October 11th and 12th are the best dates --

5 THE COURT: Of 1996?

6 MR. HIGGINS: -- to fix -- of 1996 -- to fix to
7 the one-year statute of limitations. I'll go into why it's
8 the one-year statute of limitations in just a moment.

9 But there are other facts to show -- to be adduced
10 from the first, fifth, -- first, second, and fifth amended
11 complaints which were attached to our initial summary
12 judgment motion to Ms. Lewis's declaration that show that
13 within a very, very short period after the extermination,
14 Mr. Smolker was complaining about ill effects of the
15 extermination. There's evidence in the first amended
16 complaint that prior to -- in August of 1996 -- prior to the
17 extermination, there had been meetings by the homeowners'
18 association. His then-wife Alice Graham, was the -- I
19 believe, the treasurer of the homeowners' association so
20 there was clear communication about all the relevant aspects
21 of the extermination even prior to the extermination itself.

22 But when you look at the post-October 11th and
23 12th period, you can see that, certainly within days or
24 weeks thereafter, Mr. Smolker is complaining to his
25 neighbors. He's complaining to the extermination company

1 which is -- and in fact, the extermination company went in
2 on the 13th of December of 1996 to clean the place up -- to
3 clean the condominium up.

4 So that under sort of any theory I think based on
5 these facts that it was, as I said, October 11th or 12th,
6 maybe a few days or a couple of weeks after that, but I
7 think Grace believes on the balance of the facts that are
8 available to us in Mr. Smolker's own pleadings that October
9 11th and 12th is the starting date.

10 THE COURT: Okay. Good. Now can I also turn your
11 attention to the various causes of action that existed at
12 the time of Grace's filing? Now I know that, you know, he
13 filed various complaints and at one time, there was a -- you
14 know, there were various claims, but according to your
15 pleadings, I think that Grace believes that as of the
16 petition date, there were only three remaining claims that
17 had not yet been dismissed or dropped by Mr. Smolker, and
18 that would have been fraud which I believe you say has a
19 three-year statute of limitations; negligence which has a
20 one-year statute of limitations; and strict liability which
21 also has a one-year statute of limitation.

22 I know that there was a nuisance claim and I --

23 MR. HIGGINS: Yeah.

24 THE COURT: And you didn't mention it, but I know
25 that that was something that Mr. Smolker had -- so could you

1 first tell me what you believe the remaining claims to be in
2 existence as of the petition date, and then can you just
3 confirm that those are in fact that applicable statutes of
4 limitations?

5 MR. HIGGINS: Yes. Yes, Your Honor. The best
6 exhibit for that is Exhibit 2 to Mr. Smolker's declaration
7 and -- which is an order that was entered by Judge Fruin
8 relating to this summary judgment motion and that was
9 entered on December 13th of 2000, okay. So this is prior to
10 the petition date.

11 THE COURT: 2000 (indiscernible) yeah.

12 MR. HIGGINS: Yeah, the -- yes, the petition date
13 was April 2nd, 2001, Your Honor.

14 THE COURT: Yep.

15 MR. HIGGINS: So if you look at the second page,
16 there is a --

17 THE COURT: Okay.

18 MR. HIGGINS: -- table there where the Court has
19 laid out -- it says, cross complaint (indiscernible) Gary
20 and Alice Smolker pled in their fifth amended cross
21 complaint the following causes of actions against the
22 parties who are moving for summary judgment and/or summary
23 adjudication. Claim number 8 was strict liability to Grace
24 -- I'm ignoring all the parties other than Grace --

25 THE COURT: Yeah, of course. Of course, yeah,

1 yeah.

2 MR. HIGGINS: Negligent -- something called
3 negligence per se towards Grace. Then you had 13 which was
4 nuisance, 30 which was fraud, and 31 which was interference.
5 Now it is true that in the -- in Ms. Lewis's declaration, it
6 states that -- the 30th cause of action is fraud -- was
7 still alive, had not been dismissed by the Court. But this
8 -- and that was an error, Your Honor. My apologies for
9 that. We did not have a copy of this order at the time. We
10 were relying on the appellate court's opinion. But when you
11 look at Judge Fruin's order on the 3rd page, it says, the
12 Court denies summary judgment to Grace. Court grants
13 summary judgment to Grace -- excuse me -- the Court grants
14 Grace summary adjudication on the Smolker's 13th, that is
15 the nuisance; 30th, that is the fraud; and 31st causes of
16 action, that is the interference.

17 THE COURT: Okay.

18 MR. HIGGINS: And it said, the Court requires
19 further briefing as to the eighth cause of action which is
20 the strict liability. So in Grace's view, the only causes
21 of action that are -- were -- still alive as of April 2nd,
22 2001, were number eight, strict liability, and number nine,
23 negligence, per se. And so --

24 THE COURT: Okay. And both of those only have a
25 one-year statute of limitations?

1 MR. HIGGINS: Both of those only have a one-year
2 statute of limitation under Section 340, parens 3, which is
3 the -- which was at the time, the 1996 California Code of
4 Civil Procedure -- was the applicable statute of
5 limitations. So in Grace's view, the statute of limitations
6 began on -- began running on October 11th and 12th of 1996,
7 ran 'til October 11th and 12th, 1997. And it's interesting
8 to note and I think you could go on inference from the fact
9 that Mr. Smolker filed his first cross-complaint on October
10 10th, 1997, one day before the period of limitations
11 expired.

12 THE COURT: Okay. Well, you know, at the very
13 latest, the statute of limitations would have to have run on
14 November 4th, 1997, but I think that there are good
15 arguments for it possibly to have started earlier. However,
16 in light of the fact that Grace didn't file for bankruptcy
17 until 2001, I don't think we need to split hairs on the
18 precise starting date because I do agree that he certainly
19 was aware of it, certainly was suspicious, though that could
20 not possibly have been told by the discovery rules.

21 So, I guess, Mr. Higgins, where I'd like to -- my
22 last question for you is the following. I'm now satisfied
23 that your statute of limitations argument, the second
24 argument appears to be a winner. I really don't see any
25 other way around it.

1 We had concerns about your res judicata arguments,
2 along the lines of what Mr. Smolker had raised, which is
3 that if there had been an adjudication by the California
4 State Court on the merits of the claims, you know, that were
5 ultimately, you know, adjudicated by that court, then we
6 would have found that res judicata applied.

7 But the case law that we read that was in your
8 brief and that we independently researched basically
9 suggested that res judicata would only bar Mr. Smolker from
10 refiling those claims in a California State Court, and that
11 if the statute of limitations had not run out, he might have
12 been able to raise those same claims in a different court.

13 So my question to you is, since it appears to the
14 Court that you're going to win on the statute of
15 limitations, you know, did you want an opportunity to argue
16 that, you know, as a further ground that res judicata bars
17 Mr. Smolker from having this Court look at those claims. I
18 raise that because there's certainly a possibility that my
19 order will be appealed.

20 And for purposes of appeal, while I'm going to
21 rule on the one -- you know, your second argument in favor
22 of Grace, at this point, I don't see persuasive case law
23 that would allow me to rule in Grace's favor with regard to
24 your first argument on the res judicata. But if you wanted
25 an opportunity to brief that and if you think that there's

1 definitely case law out there that would allow me to find
2 that res judicata is an additional argument, regardless of
3 the fact that the merits weren't reached, I would allow you
4 to file that briefing.

5 So would you like additional time to submit
6 briefing or do you believe that we're probably right about
7 the fact that res judicata is not going to get you to where
8 you need to be and just hang your hat on the statute of
9 limitations argument.

10 MR. HIGGINS: Your Honor, I would -- I think that
11 the -- what I would -- I think I can accomplish this by, if
12 you would bear with me just for a moment, at least making
13 the arguments here.

14 THE COURT: Yeah, that's fine. And I guess what I
15 would ask you, sir, just given the time that -- I'm not sure
16 how much time I have left for the hearing.

17 MR. HIGGINS: Sure, sure.

18 THE COURT: But if you did want to submit
19 additional briefing, I would be happy to consider a very
20 informal letter brief just identifying the cases that you'd
21 like us to look at if we somehow missed them. I mean, I
22 think you understand my position on your argument. So to
23 the extent that you have cases and argument that you could
24 just put together in a letter, I would be happy to consider
25 that before issuing my ruling.

1 MR. HIGGINS: Thank you, Your Honor. We will do
2 that additional briefing in a letter, and we will get that
3 to you as soon as we can.

4 THE COURT: Okay, so let's do this. Mr. Smolker,
5 I just want to turn to you, sir. I want to make sure that
6 you understand what the Court is ruling. We actually agree
7 with you, Mr. Smolker, about your res judicata argument.
8 It's a little shocking to me as a pro se litigant that
9 you're able to do all this, but it's impressive.

10 But on the statute of limitations argument, which
11 is the second argument that W.R. Grace raised in its motion
12 for summary judgment, it seems to the Court that the only
13 two claims that were in existence as of the date that W.R.
14 Grace filed for bankruptcy in April of 2001 were the
15 negligence claim that you had against them and your strict
16 liability claim.

17 Now, assuming that you and the Court are -- that
18 we're right about the fact that res judicata doesn't bar you
19 from making that argument before me, there is a one-year
20 statute of limitations that are applicable to both
21 negligence and strict liability. And if that's the case, at
22 the very latest, I know that you knew that you were
23 potentially exposed to products that could have been harmful
24 to your health. At the very latest, I know you know that as
25 of November 4th, 1997 because in your first amended

1 counterclaim against Grace, you specifically raised those
2 health issues that you were concerned about.

3 So if the statute of limitations run at the very
4 latest as of November 4th, 1997 and there's a one-year
5 statute of limitation for the strict liability and
6 negligence claim, that means that you were only permitted to
7 file those claims in a different court at the latest on
8 November 4th, 1998, which, of course, didn't happen.

9 So at this point, I'm going to be bound to follow
10 the law and enter an order granting W.R. Grace's motion for
11 summary judgment.

12 MR. SMOLKER: Excuse me, Judge, can I comment on
13 that?

14 THE COURT: Yes, you may, Mr. Smolker.

15 MR. SMOLKER: I would say you're halfway there.
16 Business and Profession Code Section 17200, which is the
17 unfair competition law, says that any unlawful, unfair or
18 fraudulent business act or practice is actionable under the
19 unfair competition law; that's Business and Profession Code
20 Section 17200 et seq. Unlawful covers business acts or
21 practices that violate any state or federal law.

22 I can give you a case on that: Charles J. Vacanti,
23 M.D., Inc. v. State Comp. Insurance Fund, 2001, 24 Cal. 4th
24 800, 827. The statute of limitations for actions brought
25 under the unfair competition law is four years. The

1 Business and Profession Code Section 17208. The unfair
2 competition law four-year statute of limitations admits of
3 no exceptions, and thus applies to unfair competition
4 actions based on violations of statutes with shorter
5 limitation periods. Any action that is an unfair
6 competition law cause of action is subject to the four-year
7 period of limitations created by that section.

8 I give your attention to a California Supreme
9 Court case, Cortez v. Purolator Air Filtration Products
10 Company in 2000, 23 Cal. 4th 163, 178 through 179. All you
11 have to do is state that a federal law or a state law has
12 been violated and that you have been damaged. It doesn't
13 matter what you title your cause of action. All you have to
14 do is say that. All the complaints say that a state law and
15 a federal law have been violated, and it gives you the state
16 law and the federal law and it gives you the testimony of
17 all the government officials that say it was violated.

18 So I would say it was violated, but in any event,
19 if not, it's just an issue. So the statute of limitations
20 is four years because it's claimed in the allegations that a
21 federal law and a state law were violated and, as a result
22 of that, there was an injury. So I think you ought to
23 consider that and read Business and Profession Code Section
24 17200 et seq. and the statute of limitations, which is
25 17208, and the Cortez v. Purolator case.

1 Now as to the fraud cause of action exist. Judge
2 Janis, in all the papers you'll see, limited the number of
3 pages I could have in my pleadings. And in my subsequent
4 amended complaints, I put that they're done under protest
5 and it's a violation of due process. I was not allowed to
6 plead my cause of action. I had so many people and so many
7 things to say and I was limited page-wise.

8 But, in any event the unfair competition law does
9 it. Also, you focus on the personal injury. My claim, if
10 you read the claim, is for property damage and personal
11 injury and there are different statute of limitations for
12 whether or not it's personal injury or strict liability for
13 ultra-hazardous activities causing injury to real property,
14 or strict liability action for causing injury to personal
15 property. Real property or personal property. They are
16 different than strict liability for personal injury.

17 So, they only gave you one statute of limitations,
18 which is for personal injury, in a case that includes injury
19 to real property, injury to personal property and unfair
20 competition.

21 THE COURT: Okay, well, unfortunately, sir, I did
22 not see any surviving claim in the California State Court
23 for unfair competition or property damage, or anything else
24 like that. The only claims that I saw surviving, as of the
25 date of the petition of Grace's filing, was the negligence

1 and strict liability.

2 MR. SMOLKER: Well --

3 THE COURT: That's what appears. And to the
4 extent that, you know, you didn't have sufficient time or an
5 opportunity to plead other causes of action, you know,
6 unfortunately, if you had an issue with the way that the
7 State Court handled your claims, you referenced that you had
8 a due process violation there -- unfortunately, my hands are
9 tied. You know, when you think that a state court has not
10 done something that it should have and it's violated your
11 due process rights, your only remedy at that point is to
12 take it up on appeal within the state government.

13 There's nothing, as a federal court, that I can do
14 to help you. Even assuming that you're right and that there
15 were due process violations, you know, once you have those
16 claims in big court, any arguments, defenses,
17 (indiscernible), anything that you have there, objections,
18 they have to be raised and adjudicated within the state
19 court. And I as, the federal court, am not permitted to
20 just jump in and say, well, you didn't do this. Because
21 even if they did do something wrong, I don't have the
22 jurisdiction to do that.

23 MR. SMOLKER: Your Honor, I won't argue with you
24 on that.

25 THE COURT: Okay.

1 MR. SMOLKER: But I will disagree with you. I
2 just want to say that the interesting issue you've just
3 highlighted is what is the claim? I say the claim isn't
4 measured by what they say the causes of actions were in the
5 complaint. The claim is whatever the claim was. The claim
6 was put forth in my claim. I filed that 392 and I said, I
7 claim damages for injury to personal property, to property
8 and to person. So, it --

9 THE COURT: Right. So, my recollection is that
10 your proof of claim was based upon the California State
11 Court litigation. Like that it referenced that and in the
12 proof of claim it stated that the debt was incurred on
13 October 11, 1996. That's what your proof of claim said,
14 based on my recollection.

15 MR. SMOLKER: I don't have my proof of claim right
16 in front of me. I don't think my proof of claim says it's
17 based on California litigation. But, in any event, my proof
18 of claim is whatever my proof of claim was.

19 THE COURT: Yeah.

20 MR. SMOLKER: And I certainly show in my
21 allegations that my claim is illegal activity caused damage
22 and that is unfair competition. I wish I had the --

23 THE COURT: Okay, well, yeah, we will take -- rest
24 assured, we will take a further closer look at your proof of
25 claim, Mr. Smolker. In the meantime, Mr. Higgins, when

1 would you like to submit your informal letter brief? I'm
2 happy to give you whatever time that you may need. Do you
3 want two weeks? Three weeks? What would you like?

4 MR. HIGGINS: I think two weeks would be helpful,
5 Your Honor.

6 THE COURT: Okay, Joan, on the docket can you note
7 that W.R. Grace will file a letter brief regarding the res
8 judicata argument? Mr. Smolker, I think that the Court and
9 you are on the same page on that so I don't think I'll need
10 any further briefing from you on that. I think that because
11 the merits were not adjudicated, we don't believe that res
12 judicata would bar Grace from bringing -- would bar you from
13 bringing that claim against Grace in front of me.

14 Okay, so after I get that pleading and take a
15 closer look at the proof of claim, we will issue an opinion,
16 an order in connection with everything that was discussed
17 today. Any last questions or comments before we conclude
18 the hearing today?

19 MR. SMOLKER: Yes, when I called the help line for
20 the Bankruptcy Court -- and, thankfully, they were very
21 helpful -- I asked for the docket and they said I couldn't
22 see the docket. I had to be registered for something. And
23 I wasn't registered and I didn't have time to figure out how
24 to register.

25 You told me at the first hearing that if I wanted

1 a transcript, I should ask the person recording this. I
2 asked the person recording this and she told me that I
3 needed a form. And she gave me the form number and she said
4 I could find it on the court website. So, I went to the
5 court website and it's not -- that form is not on the court
6 website as being a form of the Delaware Bankruptcy Court.
7 Eventually I found it.

8 Then she told me who to call to make arrangements
9 to get the transcript, and I called those people and I paid
10 them my money, and then she told -- and all along I asked is
11 there a standing order so that there's only, you know, one
12 person that's the official reporter? After I paid the
13 money, she called me and told me, or she emailed and told me
14 that there is a person that has a standing order and that
15 she would cancel my payment to whoever I paid to get the
16 transcripts.

17 Then I and an assistant who helped me called the
18 person we were supposed to call to get it and we could never
19 get through and we could never get the transcript. And
20 after spending half a day on that, we decided to go
21 elsewhere. So, it wasn't easy or possible yet to get the
22 transcript.

23 I asked Mr. Higgins could he tell me when he asks
24 for a transcript to just notify me that he asked for a
25 transcript, so I could ask for a transcript also. He didn't

1 -- he wouldn't do that. He told me go look at the docket
2 and it'll tell you what.

3 The end result of all this conversation is that a
4 lot of my time, should I need it, to organize and put this
5 stuff more clearly, was taken up with these unavoidable
6 things that I don't think were my creation. And the time I
7 needed to clarify and fill in the blanks, as you say, and
8 show what would be proven, that was also taken up by this
9 COVID-19. It took over a day trying to get through on the
10 website to get an appointment to get a COVID-19 shot. And
11 then, of course, I had to go there and it was in a different
12 city and I had to find it.

13 And the time that you thought was reasonable, when
14 I first wanted to make my motion for having more facts, you
15 then decided -- and it was to be heard on the 24th, I
16 believe -- you then decided -- and I think it was on the
17 20th -- that you would collapse that and hear it today. So,
18 that cut me out of all the time to do that.

19 So, I'm very frustrated as a perfectionist, not
20 having an opportunity to write something that would be
21 better. But I do urge you to look at the claim, to realize
22 that the lawsuit does say that there was personal property
23 and real property and personal injury, and that the
24 complaints do say that Grace violated different laws, and as
25 a result of it violating these different laws, that I was

1 injured.

2 Anyway, I really appreciate you giving me the time
3 to say this. Thank you.

4 THE COURT: Sure. All right. Okay, so I think
5 we're done here. Mr. Higgins, did you have anything to add
6 before I conclude today's hearing?

7 MR. SMOLKER: Before -- how can I get a copy of
8 this transcript? I'll ask Tasha again?

9 COURT REPORTER: Judge, if I can interfere?

10 THE COURT: Yes.

11 COURT REPORTER: Transcripts are done by Veritext.
12 Veritext's phone number is 215-241-1000. From my
13 understanding, the standing order requires me to send audio
14 to Veritext after every hearing. So, from the last
15 hearings, they have been sent over, the three that was
16 requested. So, you can contact Veritext for the three
17 transcripts that was requested and is now on the docket.
18 And then I'll be sending this audio order as soon as we're
19 done at the hearing.

20 MR. SMOLKER: But do I just have to --

21 COURT REPORTER: The contact person is Dion.

22 MR. SMOLKER: Do I just -- well, last time I
23 couldn't get Dion. Do I just have to -- and Dion said that
24 she didn't know the job number, she didn't know the account
25 number, she couldn't find it. Do I just have to contact

1 Dion? Is that all I have to do?

2 COURT REPORTER: Then you just need to contact
3 Veritext and tell them that you're calling regarding a
4 standing order for W.R. Grace.

5 MR. SMOLKER: Okay, thank you so much.

6 COURT REPORTER: And they should be able to assist
7 you.

8 MR. SMOLKER: Thank you so much.

9 COURT REPORTER: You're welcome.

10 THE COURT: All right, Mr. Higgins, anything from
11 you before we conclude today's hearing?

12 MR. HIGGINS: Nothing further, Your Honor.

13 THE COURT: Okay. Well, thank you all for
14 participating in today's hearing and I guess we'll talk to
15 you soon. Thank you so much.

16 MR. SMOLKER: Good luck on the surgery. I hope
17 everything turns out. Bye bye.

18 THE COURT: Okay. Thanks so much, Mr. Smolker.

19 MR. SMOLKER: All right, bye bye.

20 THE COURT: All right, Kristin, why don't you stay
21 on? Okay.

22 (Whereupon these proceedings were concluded at
23 12:52 PM)

24

25

I N D E X

RULINGS

| | Page | Line |
|--|------|------|
|--|------|------|

| | | |
|-------------------------------------|----|----|
| Motion for summary judgment Granted | 25 | 10 |
|-------------------------------------|----|----|

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certified that the foregoing transcript is a true and accurate record of the proceedings.

Sonya Ledanski Hyde

Veritext Legal Solutions

330 Old Country Road

Suite 300

Mineola, NY 11501

Date: February 2, 2021

[& - amount]

Page 1

| | | | |
|---|--|---|---|
| & | 1997 15:19 21:7 21:10,14 24:25 25:4 | 5 | additional 2:3 4:5 5:5,7,22,23,24 11:3,8,16,22 12:1 12:25 13:2,9 23:2 23:5,19 24:2 |
| & 1:7 3:3,4,11 4:4 4:8 6:14 | 1998 25:8 1st 4:3 | 516 3:12 56 11:6 12:25 5th 11:22 | address 11:2,10 15:25 |
| 0 | 2 | 6 | adduced 17:9 |
| 01-01139 1:3 | 2 19:6 36:25 2000 19:9,11 26:10 2001 19:13 20:22 21:17 24:14 25:23 2020 6:23 11:19 11:24 2021 1:17 36:25 20th 32:17 21 6:2 215-241-1000 33:12 22 16:19 23 26:10 24 25:23 24th 32:15 25 35:6 2nd 19:13 20:21 | 60642 3:13 | adjudicated 22:5 28:18 30:11 |
| 1 | 3 6:23 21:2 30 20:4 300 36:22 30th 20:6,15 31 20:4 31st 6:4 7:23 20:15 330 36:21 340 21:2 392 29:6 3rd 11:19 20:11 | 7 | adjudication 19:23 20:14 22:3 |
| 1 1:17 10 35:6 10th 15:17 21:10 11 29:13 11501 36:23 11:47 1:18 11th 15:15 16:4 16:15,21 17:3,3,4 17:22 18:5,9 21:6 21:7 12 4:2 12:52 34:23 12th 16:5,15 17:3 17:4,23 18:5,9 21:6,7 13 20:3 136 3:12 6:17 13th 18:2 19:9 20:14 15th 10:19 16 16:14 163 26:10 16th 11:24 16:14 17200 25:16,20 26:24 17208 26:1,25 178 26:10 179 26:10 17th 3:5 11:20,23 18th 11:21 19 32:9,10 19107 1:15 1980 3:6 1996 15:15 16:24 17:5,6,16 18:2 21:3,6 29:13 | 8 6:22,22 10:13 19:23 800 25:24 827 25:24 8th 12:7 | 750 8:18 | admissible 8:24 admits 26:2 adopted 6:9 affidavits 11:17 afternoon 4:2,7 ag 6:14 10:15 agency 6:15 agree 14:10 15:1 21:18 24:6 agreed 11:23 agreement 13:12 agrees 16:4 air 26:9 al 1:7 alice 17:18 19:20 alive 20:7,21 allegations 26:20 29:21 alleging 16:22 allow 11:8 22:23 23:1,3 allowed 7:4 27:5 amend 9:12,13,20 amended 7:21 15:20 16:12,13,14 16:18,22 17:10,15 19:20 24:25 27:4 |
| | 4 | 9 | amount 12:12 14:6 |
| | 4th 15:19 21:14 24:25 25:4,8,23 26:10 | 900 1:14 919 3:5 97 15:17 | |
| | | a | |
| | | able 10:9 22:12 24:9 34:6 absolutely 10:6 absorb 10:3 accepted 9:10 accomplish 23:11 account 33:24 accurate 36:4 act 6:17 25:18 action 8:13 9:18 18:11 20:6,16,19 20:21 26:5,6,13 27:1,6,14 28:5 actionable 25:18 actions 19:21 25:24 26:4 29:4 activities 27:13 activity 29:21 acts 25:20 add 5:4 33:5 | |

[announcement - claim]

Page 2

| | | | |
|---|---|--|--|
| announcement 4:21 anyway 33:2 apologies 20:8 appeal 22:20 28:12 appealed 22:19 appeals 6:23 7:13 8:21 14:12 appear 15:2 appearance 4:6 appeared 12:5 appearing 3:17 4:9 appears 11:5 21:24 22:13 28:3 appellate 20:10 applicable 15:12 19:3 21:4 24:20 applied 8:15 22:6 applies 26:3 appointment 32:10 appreciate 33:2 appropriate 11:9 april 19:13 20:21 24:14 area 15:16 argue 22:15 28:23 argument 5:5 7:1 13:13 14:24 15:11 21:23,24 22:21,24 23:2,9,22,23 24:7 24:10,11,19 30:8 arguments 12:19 12:22 14:20,22 21:15 22:1 23:13 28:16 arising 6:24 arrangements 31:8 ashely 1:22 | asked 9:12,20 12:1 13:23 30:21 31:2,10,23,24 asking 5:18 asks 31:23 aspects 17:20 assist 34:6 assistant 31:17 association 17:18 17:19 assuming 24:17 28:14 assure 4:25 assured 29:24 attached 17:11 attention 18:11 26:8 attorney 3:4,11 audio 33:13,18 august 11:19,20 11:21 17:16 authorities 10:13 authority 10:12 available 18:8 avenue 3:12 aware 21:19 b b 1:21 back 8:2 16:23 bad 14:15,18 balance 18:7 bankruptcy 1:1 1:12,23 9:9 21:16 24:14 30:20 31:6 bar 22:9 24:18 30:12,12 barred 15:6,8 bars 22:16 based 7:11 18:4 26:4 29:10,14,17 basically 12:7 22:8 | bear 23:12 began 15:23 16:16 21:6,6 behalf 4:8 13:14 believe 11:15 13:13 17:3,19 18:18 19:1 23:6 30:11 32:16 believes 18:7,15 benefit 6:10 best 14:18 17:4 19:5 better 10:9 32:21 big 28:16 bit 4:20 14:14 blanks 6:3 14:15 32:7 body 8:5 bottom 10:6 bound 25:9 box 13:25 14:1 breathing 8:22 brief 22:8,25 23:20 30:1,7 briefing 20:19 23:4,6,19 24:2 30:10 bringing 15:7,8 30:12,13 brought 8:25 25:24 bud 9:22 building 8:11 business 25:16,18 25:19,20 26:1,23 bye 34:17,17,19 34:19 c c 3:1 4:1 36:1,1 cal 25:23 26:10 california 6:13 9:4 10:12 15:3 16:7 21:3 22:3,10 | 26:8 27:22 29:10 29:17 call 31:8,18 called 13:23 20:2 30:19 31:9,13,17 calling 34:3 cancel 31:15 case 1:3 6:25 7:6 7:19 8:16 10:14 11:18 12:16,23 14:25 16:1 22:7 22:22 23:1 24:21 25:22 26:9,25 27:18 cases 23:20,23 cause 20:6,19 26:6,13 27:1,6 caused 29:21 causes 8:11 18:11 19:21 20:15,20 28:5 29:4 causing 27:13,14 certainly 16:10 17:23 21:18,19 22:18 29:20 certified 36:3 chan 1:22 chan's 4:2 charles 25:22 chicago 3:13 cited 15:1 city 32:12 civil 21:4 claim 8:5,12 9:10 10:22 12:19 15:4 15:20 18:22 19:23 24:15,16 25:6 27:9,10,22 29:3,3 29:5,5,5,6,7,10,12 29:13,15,16,18,18 29:21,25 30:13,15 32:21 |
|---|---|--|--|

| | | | |
|--|--|---|--|
| claimant 4:15 claimed 26:20 claims 15:5,7,9,21 18:14,16 19:1 22:4,10,12,17 24:13 25:7 27:24 28:7,16 clarify 10:20 32:7 clean 18:2,3 clear 6:6 14:11 15:8 16:21 17:20 clearly 16:9 32:5 clerk 4:2 14:18 clerk's 14:2 client 4:11 closer 29:24 30:15 code 6:14 7:17 8:16 10:15 21:3 25:16,19 26:1,23 collapse 32:17 collection 14:1 collects 14:2 commencement 16:5 commences 7:19 comment 7:14 25:12 comments 30:17 communication 17:20 comp 25:23 company 4:4 17:25 18:1 26:10 competition 5:21 8:13 25:17,19,25 26:2,3,6 27:8,20 27:23 29:22 complaining 16:16,23 17:14,24 17:25 complaint 7:19,21 8:2 15:18,20 16:12,13,14,18 | 17:16 19:19,21 21:9 29:5 complaints 16:11 16:22 17:11 18:13 26:14 27:4 32:24 completely 6:7 7:16 concerned 25:2 concerning 6:5 concerns 8:3 22:1 conclude 30:17 33:6 34:11 concluded 34:22 condition 12:2 condominium 15:16 18:3 confer 7:10 conferences 5:18 5:19 confirm 19:3 connection 5:5,18 10:22 14:23 15:21 30:16 consider 5:14 23:19,24 26:23 contact 33:16,21 33:25 34:2 contains 6:4 9:15 control 15:16 conversation 32:3 copy 20:9 33:7 corporate 4:11 cortez 26:9,25 couldn't 30:21 33:23,25 counsel 4:6,9,12 counter 15:20 counterclaim 25:1 country 36:21 couple 18:6 course 19:25,25 25:8 32:11 | court 1:1,12 4:16 4:19 6:22 7:1,13 8:20 9:12 10:17 10:25 13:17,20,23 14:1,12,17 15:3,7 15:9 16:3,20 17:1 17:5 18:10,24 19:11,14,17,18,25 20:7,12,12,13,17 20:18,24 21:12 22:4,5,10,12,14 22:17 23:14,18 24:4,6,12,17 25:7 25:14 26:9 27:21 27:22 28:3,7,9,13 28:16,19,19,25 29:9,11,19,23 30:6,8,20 31:4,5,5 31:6 33:4,9,10,11 33:21 34:2,6,9,10 34:13,18,20 court's 20:10 courthouse 1:13 covers 25:20 covid 32:9,10 created 26:7 creating 13:4 creation 32:6 cross 15:18 19:19 19:20 21:9 cut 32:18 | day 21:10 31:20 32:9 days 6:2 17:23 18:6 de 3:6 deadline 11:20 debt 29:12 debtors 1:9 december 11:24 18:2 19:9 decided 31:20 32:15,16 decision 7:4,12 14:11 15:2 declarant 4:12 declaration 6:11 6:20 10:9 17:12 19:6 20:5 defenses 28:16 definitely 23:1 delaware 1:2 31:6 delay 12:25 delivered 14:4 denies 20:12 deny 11:14 department 6:13 9:4 depending 15:11 deprived 5:25 details 10:1 didn't 5:21 6:12 6:21 8:6 28:4,20 30:23 31:25 33:24 33:24 different 8:7 15:9 22:12 25:7 27:11 27:16 32:11,24,25 dion 33:21,23,23 34:1 disagree 29:1 disclosed 13:3 discovery 5:7 11:8 12:25 13:2,6,9 |
| | | d | |
| | | d 4:1 12:25 35:1 damage 8:11 27:10,23 29:21 damaged 26:12 damages 29:7 dangers 16:12 date 7:20 18:9,16 19:2,10,12 21:18 24:13 27:25 36:25 dates 17:4 | |

| | | | |
|---|--|---|--|
| <p>21:20 discuss 6:21 10:2 discussed 7:5 30:16 discussion 16:11 dismissal 6:24 7:3 7:8 9:17 15:25 dismissed 7:7,11 18:17 20:7 district 1:2 docket 11:1 30:6 30:21,22 32:1 33:17 document 14:3 documents 12:11 doing 9:21 don't 5:2,16 28:21 29:15,16 30:9,11 32:6 34:20 dropped 18:17 dry 7:25 due 27:5 28:8,11 28:15</p> | <p>entertain 7:1,14 entire 7:10 14:10 entirely 9:15,15 environmental 6:15 epa 9:5 error 20:8 esq 3:8,15 et 1:7 6:17 25:20 26:24 eve 11:25 event 26:18 27:8 29:17 eventually 31:7 everybody 16:10 evidence 8:24 17:15 exactly 8:4 example 8:20 exceptions 26:3 excusable 11:16 12:20 excuse 7:24 9:8 17:3 20:13 25:12 exhibit 6:22,22 10:13 19:6,6 exhibits 10:2 11:3 11:17 exist 27:1 existed 18:11 existence 19:2 24:13 expired 21:11 explained 10:3 exposed 24:23 expressly 7:13 extensions 12:3 extent 23:23 28:4 extermination 16:9,17 17:13,15 17:17,21,21,25 18:1</p> | <p>extract 10:4</p> <p>f</p> <p>f 1:21 36:1 fact 7:4 18:1 19:3 21:8,16 23:3,7 24:18 facts 8:3 12:16,22 13:2,3,5 17:9 18:5 18:7 32:14 factually 10:7 failed 6:12,14 10:11,12 15:5 family 4:21 faults 9:24 favor 22:21,23 february 1:17 4:3 36:25 federal 1:13 6:16 9:5 10:12 25:21 26:11,15,16,21 28:13,19 feel 14:17,18 felt 13:6 14:15 fifth 16:12,18 17:10,10 19:20 figure 30:23 file 2:3 4:5 9:23 10:10 11:17,18,20 11:24 12:6,9,14 13:22,25 14:2 21:16 23:4 25:7 30:7 filed 5:1 6:11 7:20 8:2 9:14 10:25 12:3,11,13 15:17 15:19 18:13 21:9 24:14 29:6 filing 10:21 18:12 27:25 filings 12:21 fill 6:3 14:15 32:7 filtration 26:9</p> | <p>find 8:19 12:20 16:18 23:1 31:4 32:12 33:25 finding 9:24 fine 23:14 first 5:3 8:17 10:18 11:2,10 14:23 15:16,20 16:13 17:10,10,15 19:1 21:9 22:24 24:25 30:25 32:14 fix 17:6,6 floor 3:5 focus 16:1 27:9 focused 12:15 follow 25:9 following 9:19 19:21 21:22 food 6:14 10:15 forced 11:14 foregoing 36:3 form 31:3,3,5,6 forth 29:6 found 9:3 15:11 22:6 31:7 four 8:14,14 25:25 26:2,6,20 fraud 18:18 20:4 20:6,15 27:1 fraudulent 25:18 front 29:16 30:13 fruin 9:3 19:7 fruin's 20:11 frustrated 32:19 fully 10:2 fund 25:23 fungicide 6:16 further 12:4,6 20:19 22:16 29:24 30:10 34:12 furthermore 12:24</p> |
| <p>e</p> <p>e 1:21,21 3:1,1,8 4:1,1 35:1 36:1 earlier 21:15 early 15:15 easy 31:21 ecro 1:25 effect 9:17 effects 17:14 efficient 4:24 eight 20:22 eighth 20:19 either 11:3 16:7 elements 16:7 emailed 31:13 emergency 4:22 ended 9:22 enter 25:10 entered 19:7,9</p> | | | |

| | | | |
|--------------------------|---------------------------|--------------------------|--------------------------|
| g | 22:23 25:10 | held 11:23 | impressive 24:9 |
| g 4:1 | grace's 6:9 9:2 | help 12:16 28:14 | inclined 15:1 |
| gary 3:19 4:14 | 27:25 | 30:19 | include 5:22 |
| 19:19 | graham 17:18 | helped 31:17 | included 5:9 |
| gather 11:3 | granted 12:3 35:6 | helpful 30:4,21 | includes 27:18 |
| general 8:3 | granting 6:8 | helpline 13:23 | incurred 29:12 |
| genuine 13:4 | 25:10 | higgins 3:10,15 | independently |
| getting 8:23 9:13 | grants 20:12,13 | 4:10 7:9 13:14,16 | 22:8 |
| 9:25 | great 12:11 | 14:21,22 15:12,23 | indiscernible |
| give 7:17 8:15 | ground 22:16 | 15:24 16:4,20,25 | 16:17 19:11,19 |
| 11:22 12:2,8 | guess 4:19 5:1 | 17:2,6 18:23 19:5 | 28:17 |
| 25:22 26:8 30:2 | 10:18 13:14 21:21 | 19:12,15,18 20:2 | inference 21:8 |
| given 5:23 12:11 | 23:14 34:14 | 20:18 21:1,21 | informal 23:20 |
| 23:15 | h | 23:10,17 24:1 | 30:1 |
| gives 26:15,16 | hadn't 7:5 | 29:25 30:4 31:23 | information 10:4 |
| giving 33:2 | hairs 21:17 | 33:5 34:10,12 | 11:4 12:6 13:2,3 |
| glad 14:10 | half 31:20 | highlighted 29:3 | initial 17:11 |
| go 5:2 6:2 10:10 | halfway 25:15 | history 14:19 | injured 33:1 |
| 17:7 21:8 31:20 | handled 28:7 | homeowners | injury 7:15,19,22 |
| 32:1,11 | hands 28:8 | 17:17,19 | 8:5,6,8 26:22 27:9 |
| going 11:10,10,14 | hang 23:8 | hon 1:22 | 27:11,12,13,14,16 |
| 12:20 13:20 22:14 | happen 25:8 | honor 13:16,18 | 27:18,18,19 29:7 |
| 22:20 23:7 25:9 | happened 16:9 | 15:24 16:25 19:5 | 32:23 |
| good 4:2,7,19 | happy 23:19,24 | 19:13 20:8 23:10 | insecticide 6:16 |
| 12:21 18:10 21:14 | 30:2 | 24:1 28:23 30:5 | installed 8:10 |
| 34:16 | harmful 24:23 | 34:12 | insurance 25:23 |
| government 9:5 | hat 23:8 | hope 34:16 | interesting 21:7 |
| 26:17 28:12 | hazardous 27:13 | hospital 4:23 | 29:2 |
| grace 1:7 3:4,11 | health 5:11 16:23 | hyde 2:25 36:3,8 | interfere 33:9 |
| 4:4,9,10,12 5:25 | 24:24 25:2 | i | interference 20:4 |
| 6:6,12 8:17,25 9:3 | hear 4:17,18 5:9 | i.e. 16:9 | 20:16 |
| 9:7,20,23 10:11 | 32:17 | identify 13:2 | interrupted 5:3 |
| 11:5,8,18 12:13 | heard 11:12 12:9 | identifying 23:20 | invalid 7:11 |
| 13:15 14:22 15:4 | 13:11 32:15 | ignoring 19:24 | irrelevant 14:7 |
| 15:6,7,9,18,20 | hearing 2:1,3 4:20 | il 3:13 | isn't 29:3 |
| 16:4 18:7,15 | 4:24 11:7,23 12:6 | illegal 9:6 10:16 | issue 6:24,24,25 |
| 19:23,24 20:3,12 | 12:10 13:1,8,11 | 29:21 | 13:4 15:25 16:2 |
| 20:13,14 21:16 | 23:16 30:18,25 | immediate 4:21 | 26:19 28:6 29:2 |
| 22:22 24:11,14 | 33:6,14,19 34:11 | immense 14:6 | 30:15 |
| 25:1 30:7,12,13 | 34:14 | important 6:9 | issues 5:11 7:2 |
| 32:24 34:4 | hearings 33:15 | importantly 6:21 | 16:23 25:2 |
| grace's 10:24 | hearsay 8:22 | impossible 6:19 | issuing 23:25 |
| 18:12 20:20 21:5 | | 10:3 | |

| | | | |
|--|---|--|--|
| it'll 32:2 | k | liability 9:11 | m |
| it's 7:7,7 8:6,10 8:23,24 27:12 28:10 29:16 31:5 | kind 11:20 | 18:20 19:23 20:20 | m 1:22 |
| i'd 4:23 5:3,3,9 | knew 16:10 24:22 | 20:22 24:16,21 | m.d. 25:23 |
| i'll 6:7 30:9 33:8 33:18 | know 5:10 8:23 10:25 12:15 15:4 15:14,17 18:12,12 18:14,22,24 21:12 22:4,5,15,16,21 24:22,24,24 28:4 28:5,9,15 31:11 33:24,24 | 25:5 27:12,14,16 28:1 | making 9:7 14:7 23:12 24:19 |
| i'm 4:22 30:1 32:19 | known 16:7,8 | light 21:16 | mankind 14:19 |
| i've 4:25 5:11 | kristin 34:20 | limit 6:19 | market 1:14 3:5 |
| j | l | limitation 18:21 21:2 25:5 26:5 | massa 8:21 |
| j 3:15 25:22 | lack 10:8 | limitations 5:20 6:5,7 7:15,18,18 7:22,24 8:1,6,7,9 8:12,14 9:17 14:13,25 15:12,13 15:22 16:2,6 17:7 17:8 18:19,20 19:4 20:25 21:5,5 21:10,13,23 22:11 22:15 23:9 24:10 24:20 25:3,24 26:2,7,19,24 27:11,17 | material 13:5 |
| james 3:8 4:7 | laid 19:19 | limited 27:2,7 | matter 1:5 4:3,10 26:13 |
| janis 27:2 | late 11:21 13:23 14:4 | line 4:10 9:24,24 10:6 30:19 35:4 | matters 5:21 13:12 |
| january 6:4,23 7:23 10:19 12:7 | latest 15:18 21:13 24:22,24 25:4,7 | lines 22:2 | mean 23:21 |
| janus 6:18 | law 3:10 5:20 6:5 6:6 7:22 8:13 14:11,13,18,25 16:7 22:7,22 23:1 25:10,17,19,21,25 26:2,6,11,11,14 26:15,16,16,21,21 27:8 | list 4:3 14:7 | meaning 9:10 |
| joan 30:6 | laws 32:24,25 | litigant 24:8 | means 25:6 |
| job 33:24 | lawsuit 32:22 | litigation 29:11,17 | meant 10:21,25 |
| jones 3:3 4:8 | leave 2:3 4:5 9:13 | little 24:8 | measured 29:4 |
| judge 1:23 4:2 6:18 7:5 9:1,2 19:7 20:11 25:12 27:1 33:9 | ledanski 2:25 36:3 36:8 | llc 3:10 | meet 7:10 |
| judgement 2:1 | left 23:16 | llp 3:3 | meetings 17:17 |
| judgment 4:4 5:6 8:25 9:2,14 10:8 10:22 11:5,7,19 11:25 12:4,10,13 12:17,18 13:1,4,8 13:10 14:21,23 17:12 19:8,22 20:12,13 24:12 25:11 35:6 | legal 12:19 13:13 14:20 36:20 | look 8:18 17:22 19:15 20:11 22:17 23:21 29:24 30:15 32:1,21 | members 4:21 |
| judicata 7:7 14:24 15:6,25 22:1,6,9 22:16,24 23:2,7 24:7,18 30:8,12 | legally 10:7 | looking 16:13 | memo 6:4 7:17,24 |
| jump 28:20 | letter 23:20,24 24:2 30:1,7 | lost 9:1,25 | mention 18:24 |
| jurisdiction 28:22 | lewis 4:13 | lot 32:4 | merits 6:25 7:4,5 7:8,12,14 10:14 13:10 14:12 15:3 22:4 23:3 30:11 |
| justices 7:6 | lewis's 17:12 20:5 | luck 34:16 | mind 9:7 |
| justify 11:16 12:21 | lewis' 8:20 | | mineola 36:23 |
| | | | missed 23:21 |
| | | | moment 17:8 23:12 |
| | | | money 31:10,13 |
| | | | morning 4:9 |
| | | | motion 2:1,3 4:4,5 5:5,24 6:9 7:10 8:25 9:2,14 10:7 11:5,18 12:13 14:23 17:12 19:8 24:11 25:10 32:14 35:6 |
| | | | motions 14:20 |

[moving - possible]

Page 7

| | | | |
|---|--|---|---|
| moving 19:22 | o | original 8:2 9:16 13:22 | permitted 25:6 28:19 |
| n | o 1:21 4:1 36:1 | originally 9:8 | person 29:8 31:1 31:2,12,14,18 33:21 |
| n 3:1,12 4:1 35:1 36:1 | objection 9:13,14 9:15,16,16,21 10:22 11:4,19 13:23 | ought 26:22 | personal 7:15,18 7:22 8:5,6 27:9,10 27:12,14,15,16,18 27:19 29:7 32:22 32:23 |
| n.c. 1:13 | objections 28:17 | outset 10:20 | personnel 14:1 |
| naivete 9:23 | obtain 13:5 | outside 7:21 | persuasive 15:11 22:22 |
| name 4:14 | obviously 10:23 | overnight 14:4 | pertaining 7:1 |
| naming 7:20 | october 15:15,17 16:4,15,19,21,23 17:3,4,22 18:5,8 21:6,7,9 29:13 | o'clock 4:3 | pesticide 6:13 9:4 |
| necessary 13:6 | | o'neill 3:8 4:7,8 7:9 | petition 18:16 19:2,10,12 27:25 |
| need 12:14 13:9 21:17 23:8 30:2,9 32:4 34:2 | office 14:2 | p | philadelphia 1:15 |
| needed 7:25 13:1 13:3 31:3 32:7 | offices 3:10 | p 3:1,1 4:1 | phone 33:12 |
| neglect 11:16 12:20 | official 31:12 | pa 1:15 | picture 12:22 |
| negligence 18:19 20:3,23 24:15,21 25:6 27:25 | officials 26:17 | pachulski 3:3 4:8 | place 18:2 |
| negligent 20:2 | ogden 3:12 | page 19:15 20:11 27:7 30:9 35:4 | placed 6:18 |
| neighbors 16:17 17:25 | okay 4:16,17,18 4:19 10:17 13:17 13:17 17:1 18:10 19:9,17 20:17,24 21:12 24:4 27:21 28:25 29:23 30:6 30:14 33:4 34:5 34:13,18,21 | pages 6:11 8:18 9:23 27:3 | plead 27:6 28:5 |
| never 9:12 31:18 31:19 | old 36:21 | paid 31:9,12,15 | pleading 10:24 30:14 |
| new 9:15,15 | once 28:15 | papers 5:19,20 11:13 27:2 | pleadings 2:3 4:5 5:1,9,13,17 6:19 10:20 11:17 18:8 18:15 27:3 |
| nine 20:22 | opinion 20:10 30:15 | paragraph 16:13 16:19 | please 4:6 |
| nipped 9:21 | opportunity 5:25 11:6 22:15,25 28:5 32:20 | parens 21:2 | pled 19:20 |
| nix 1:13 | opposition 5:22 12:17 | part 6:23 | pm 34:23 |
| north 3:5 | order 5:1 6:22 10:14 11:7 13:1 14:9 19:7 20:9,11 22:19 25:10 30:16 31:11,14 33:13,18 34:4 | partial 11:21 | point 8:4 12:7,14 12:17 13:9 16:6 22:22 25:9 28:11 |
| note 21:8 30:6 | organize 32:4 | participating 34:14 | points 14:11 |
| notify 31:24 | | particular 16:14 | poisoned 16:16 |
| november 11:22 15:19 21:14 24:25 25:4,8 | | parties 4:6 8:3 19:22,24 | policy 6:9,10 |
| nuisance 18:22 20:4,15 | | payment 31:15 | position 23:22 |
| nullify 6:9 | | people 7:20 27:6 31:9 | possibility 22:18 |
| number 14:8 19:23 20:22,22 27:2 31:3 33:12 33:24,25 | | perfectionist 14:14 32:19 | possible 4:24 5:2 31:21 |
| ny 36:23 | | period 16:15 17:13,23 21:10 26:7 | |
| | | periods 26:5 | |
| | | permission 9:12 9:20 | |

[possibly - se]

Page 8

| | | | |
|---|---|--|---|
| <p>possibly 21:15,20 post 17:22 potential 16:12 potentially 24:23 practice 25:18 practices 25:21 precise 21:18 preclude 13:4 prejudice 8:24 prepared 12:8 presented 10:4 prior 17:16,16,21 19:9 pro 3:19 24:8 probably 23:6 problem 8:22 procedural 6:24 procedure 4:22 9:20 21:4 proceeding 9:19 proceedings 34:22 36:4 process 27:5 28:8 28:11,15 product 8:10 9:3 products 24:23 26:9 profession 25:16 25:19 26:1,23 proof 12:18 14:3 29:10,12,13,15,16 29:17,18,24 30:15 property 8:7,8,11 27:10,13,15,15,15 27:19,19,23 29:7 29:7 32:22,23 protection 6:15 protest 27:4 proven 32:8 pure 8:22 purely 13:13 purolator 26:9,25</p> | <p>purposes 7:24 8:1 22:20 put 6:10 10:2 13:25 14:9 23:24 27:4 29:6 32:4</p> <p>q</p> <p>quantity 10:4 question 9:11 21:22 22:13 questions 30:17 quick 13:20,21 quickly 5:2</p> <p>r</p> <p>r 1:21 3:1 4:1 36:1 raise 22:12,18 raised 5:13 22:2 24:11 25:1 28:18 ran 14:8 21:7 reached 23:3 read 4:25 5:11 10:10,23 11:1,12 11:13 22:7 26:23 27:10 reading 9:24 real 8:8 27:13,15 27:19 32:23 realize 32:21 really 12:18 14:15 21:24 33:2 reason 7:12 8:23 11:15 reasonable 32:13 reasons 12:19 13:7 recall 12:1 recollection 29:9 29:14 record 36:4 recording 31:1,2 referenced 28:7 29:11 referring 5:17</p> | <p>refiling 22:10 regard 12:24 22:23 regarding 5:20 30:7 34:3 regardless 8:15 23:2 register 6:13,15 9:3 10:11,12 30:24 registered 30:22 30:23 regulation 6:14 regulations 9:4 related 10:23 relates 8:2 relating 19:8 relevant 6:5 16:6 17:20 reluctant 12:2 relying 20:10 remaining 18:16 19:1 remedy 28:11 reporter 31:12 33:9,11,21 34:2,6 34:9 request 5:6,22,23 10:19 11:2,6,14 12:5 requested 11:21 16:2 33:16,17 requests 10:23 12:24 requires 20:18 33:13 res 7:7 14:24 15:6 15:25 22:1,6,9,16 22:24 23:2,7 24:7 24:18 30:7,11 research 14:20 researched 22:8</p> | <p>respond 5:6 12:12 13:6,18 15:10 responding 5:25 13:14 response 11:21,25 12:4 rest 29:23 result 26:21 32:3 32:25 reviewed 10:21 right 4:16,23 9:20 10:17 23:6 24:18 28:14 29:9,15 33:4 34:10,19,20 rights 28:11 road 36:21 robert 1:13 rodenticide 6:16 roger 3:10,15 4:10 rosemarie 4:12 rule 11:6 22:21,23 rules 21:20 ruling 23:25 24:6 rulings 9:1 35:3 run 7:16 8:6 15:14,23 21:13 22:11 25:3 running 16:5 21:6</p> <p>s</p> <p>s 3:1,19 4:1 safety 6:10 satisfied 21:22 saw 27:24 saying 10:14 16:20,21,24 says 6:23 7:23 8:16 14:3 19:19 20:11 25:17 29:16 scams 5:12 scheduled 4:22 se 3:19 20:3,23 24:8</p> |
|---|---|--|---|

[second - think]

Page 9

| | | | |
|---|--|--|---|
| second 6:8 14:5 14:24 17:10 19:15 21:23 22:21 24:11 section 6:17 8:16 10:15 21:2 25:16 25:20 26:1,7,23 sections 7:17 see 10:16 17:23 21:24 22:22 27:2 27:22 30:22 send 14:9 33:13 sending 33:18 senior 4:11 sent 6:4 33:15 sentence 8:21 separately 16:1 september 11:23 seq 6:17 25:20 26:24 service 14:3 shocking 24:8 short 8:17 16:15 17:13 shorter 26:4 shot 32:10 show 14:9 17:9,12 29:20 32:8 shpigelman 3:18 signed 6:22 simply 15:4 sir 23:15 24:5 27:21 smolker 3:19 4:14 4:15,18 5:4,15 10:18 13:18,22 15:2,23 16:8,9,16 17:14,24 18:17,25 19:20 21:9 22:2,9 22:17 24:4,7 25:12,14,15 28:2 28:23 29:1,15,20 29:25 30:8,19 33:7,20,22 34:5,8 | 34:16,18,19 smolker's 15:3,15 16:11 18:8 19:6 20:14 solutions 36:20 sonya 2:25 36:3,8 soon 24:3 33:18 34:15 sorry 10:1 14:14 sort 11:7 18:4 specifically 25:1 spending 31:20 spiegelman 4:11 split 21:17 spoke 7:9 sr 1:13 standing 31:11,14 33:13 34:4 stang 3:3 4:8 start 4:20 11:11 started 15:13 21:15 starting 18:9 21:18 starts 7:19 state 9:4 15:3,7 22:4,10 25:21,23 26:11,11,14,15,21 27:22 28:7,9,12 28:18 29:10 stated 5:20 29:12 statement 5:10 8:20 statements 5:16 16:10 states 1:1,12 20:6 status 5:18,18 statute 5:20 6:5,6 7:15,18,18,22,24 8:1,5,7,9,12,13 9:17 14:13,24 15:12,13,22 16:1 16:6 17:7,8 18:19 | 18:20,21 20:25 21:2,4,5,13,23 22:11,14 23:8 24:10,20 25:3,5 25:24 26:2,19,24 27:11,17 statutes 19:3 26:4 stay 34:20 story 10:5,9 14:10 streamline 11:2 street 1:14 3:5 strict 18:20 19:23 20:20,22 24:15,21 25:5 27:12,14,16 28:1 stuff 11:1 32:5 subject 26:6 submit 11:4 23:5 23:18 30:1 submitted 5:19 8:23 subsequent 27:3 substantial 9:10 sufficient 28:4 suggested 22:9 suite 3:12 36:22 summary 2:1 4:4 5:6 8:25 9:2,14 10:7,22 11:5,7,19 11:25 12:4,10,12 12:17,18,25 13:4 13:8,10 14:20,23 17:11 19:8,22,22 20:12,13,14 24:12 25:11 35:6 supplemental 11:25 12:4 supposed 6:2 31:18 supreme 26:8 sure 23:15,17,17 24:5 33:4 | surgery 34:16 surviving 27:22 27:24 suspected 16:8,8 suspicious 21:19 t t 36:1,1 table 19:18 take 11:8 12:25 13:9 15:5 28:12 29:23,24 30:14 taken 14:6 32:5,8 talk 13:11 14:7 34:14 tasha 33:8 technically 7:7 telephone 4:13 telephonically 3:8 3:15,17 tell 10:9 19:1 31:23 32:2 34:3 terminology 9:9 termite 15:16 testimony 26:16 thank 4:13 5:15 10:17 15:24 24:1 33:3 34:5,8,13,15 thankfully 30:20 thanks 34:18 that's 7:12,20 8:10,22 28:3 29:13 31:12 theory 18:4 there's 5:8 8:22 28:13 31:11 thing 9:22 14:5 things 6:1 8:19 9:7 13:24,25 14:7 14:9 27:7 32:6 think 11:9 12:13 12:15,16,17,21 13:8 14:11 15:1 15:10,13,22 16:25 |
|---|--|--|---|

[think - ziehl]

Page 10

| | | | |
|--|---|---|--|
| 18:4,7,15 21:8,14 21:17 22:25 23:10 23:11,22 26:22 28:9 29:16 30:4,8 30:9,10 32:6,16 33:4 thinking 15:14 thorough 11:4 thought 6:1 8:18 32:13 thousand 9:23 three 7:6 18:16,19 30:3 33:15,16 throat 7:25 tie 6:12 tied 28:9 time 5:6,21,23,23 5:24,24 6:12,21 6:25 8:1 10:1,8 11:3,16,22 12:1,6 12:8,12 14:4,6,8 14:15 18:12,13 20:9 21:3 23:5,15 23:16 28:4 30:2 30:23 32:4,6,13 32:18 33:2,22 title 26:13 today 4:13 12:10 13:15 30:17,18 32:17 today's 33:6 34:11,14 told 6:18 21:20 30:25 31:2,8,10 31:13,13 32:1 totally 14:6 transcribed 2:25 transcript 31:1,9 31:19,22,24,25,25 33:8 36:4 transcripts 31:16 33:11,17 | treasurer 17:19 treated 9:8,9 15:16 tremendous 14:8 trial 9:1,2 15:5 true 20:5 36:4 try 4:24 trying 32:9 turn 10:19 13:10 14:21 18:10 24:5 turns 34:17 two 5:16 11:15 14:22 24:13 30:3 30:4 u u.s. 1:23 u.sc. 6:17 ultimately 22:5 ultra 27:13 unable 13:5 unavoidable 32:5 understand 5:16 23:22 24:6 understanding 33:13 unfair 5:21 8:12 25:17,17,19,25 26:1,3,5 27:8,19 27:23 29:22 unfortunately 11:14 27:21 28:6 28:8 united 1:1,12 unknown 1:25 unlawful 25:17,20 unusual 4:20 urge 32:21 v v 25:23 26:9,25 vacanti 25:22 validity 10:7 various 5:11,17 5:19,19 10:23 | 15:5,21 16:11 18:11,13,14 veritext 33:11,14 33:16 34:3 36:20 veritext's 33:12 victoria 4:11 view 20:20 21:5 viktoriya 3:18 violate 25:21 violated 26:12,15 26:17,18,21 28:10 32:24 violating 32:25 violation 27:5 28:8 violations 26:4 28:15 w w.r. 1:7 3:4,11 4:4 4:8 10:24 12:13 13:15 15:4 24:11 24:13 25:10 30:7 34:4 want 4:25 5:4 22:15 23:18 24:5 24:5 29:2 30:3 wanted 6:20 12:9 22:24 30:25 32:14 wasn't 5:23 30:23 31:21 water 7:25 way 6:2 13:24 21:25 28:6 website 31:4,5,6 32:10 weeks 17:24 18:6 30:3,3,4 welcome 34:9 went 18:1 31:4 we'll 34:14 we're 33:5,18 wife 17:18 | wilmington 3:6 win 22:14 window 13:25 winner 21:24 wise 27:7 wish 29:22 won't 28:23 word 10:24 words 7:3 worked 13:24 works 13:24 worse 9:7 wouldn't 7:14 32:1 would've 6:2 write 32:20 wrong 6:7 7:16 8:19 9:9 14:13 28:21 x x 1:4,10 35:1 y yeah 14:17,17 16:3 18:23 19:11 19:12,25,25 20:1 23:14 29:19,23 year 17:7,8 18:19 18:20,21 20:25 21:1 24:19 25:4 26:2,6 years 8:14,14 25:25 26:20 yep 19:14 youthe 8:15 you're 28:14 34:3 34:9 you've 5:10,11 29:2 z ziehl 3:3 4:8 |
|--|---|---|--|